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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.
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09/147,094 10/27/98 YAMASHITA

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TM02/0214
ARENT FOX KINTNER PLOTKIN & KAHN PLLC
1050 CONNECTICUT AVENUE, N.W.
SUITE 600
WASHINGTON DC 20036-5339

EXAMINER

SAJOUS, W

ART UNIT

PAPER NUMBER

2672

DATE MAILED:

02/14/01

Please find below and/or attached an Office communication concerning this application or proceeding.

Commissioner of Patents and Trademarks

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Office Action Summary

Application No.
09/147,094

Applicant(s)
Yamashita et al.

Examiner
WESNER SAJOUS

Group Art Unit
2672



☒ Responsive to communication(s) filed on Jan 12, 2001

☒ This action is **FINAL**.

☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11; 453 O.G. 213.

A shortened statutory period for response to this action is set to expire 3 month(s), or thirty days, whichever is longer, from the mailing date of this communication. Failure to respond within the period for response will cause the application to become abandoned. (35 U.S.C. § 133). Extensions of time may be obtained under the provisions of 37 CFR 1.136(a).

Disposition of Claims

☒ Claim(s) 1-9 and 11-13 is/are pending in the application.

Of the above, claim(s) _____ is/are withdrawn from consideration.

☐ Claim(s) _____ is/are allowed.

☒ Claim(s) 1-9 and 11-13 is/are rejected.

☐ Claim(s) _____ is/are objected to.

☐ Claims _____ are subject to restriction or election requirement.

Application Papers

☐ See the attached Notice of Draftsperson's Patent Drawing Review, PTO-948.

☐ The drawing(s) filed on _____ is/are objected to by the Examiner.

☐ The proposed drawing correction, filed on _____ is ☐ approved ☐ disapproved.

☐ The specification is objected to by the Examiner.

☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. § 119

☐ Acknowledgement is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d).

☐ All ☐ Some* ☐ None of the CERTIFIED copies of the priority documents have been

☐ received.

☐ received in Application No. (Series Code/Serial Number) _____

☐ received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

*Certified copies not received: _____

☐ Acknowledgement is made of a claim for domestic priority under 35 U.S.C. § 119(e).

Attachment(s)

☐ Notice of References Cited, PTO-892

☒ Information Disclosure Statement(s), PTO-1449, Paper No(s). _____

☐ Interview Summary, PTO-413

☐ Notice of Draftsperson's Patent Drawing Review, PTO-948

☐ Notice of Informal Patent Application, PTO-152

--- SEE OFFICE ACTION ON THE FOLLOWING PAGES ---

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DETAILED ACTION

Remarks

This action is responsive to the communication filed on January 12, 2001. Claims 1-9, 11-13 are pending.

Response to Arguments

Applicants' arguments have been fully considered but they are not persuasive.

Applicants in the response argue that the term "time zone" described in the inventions of claims 1-9, and 11-13 is misunderstood and is different from the "time zone" described in the prior art (Rupe) and, that the term is referred to time period. Applicants argue that Rupe fails to disclose any device or method that could distinguish a time period designated by a user from other time periods displayed.

In response to applicants' argument that the term "time zone" is misunderstood and is different from the "time zone described in the prior art (Rupe), and that the term is referred to time period, it is reminded that a recitation of the intended use of the claimed invention must result in a structural difference between the claimed invention and the prior art in order to patentably distinguish the claimed invention from the prior art. If the prior art structure is capable of performing the intended use, then it meets the claim. In a claim drawn to a process of making, the intended use must result in a manipulative difference as compared to the prior art. See *In re Casey*, 152 USPQ 235 (CCPA 1967) and *In re Otto*, 136 USPQ 458, 459 (CCPA 1963). In addition, the suggested amendment to the specification, suggest that the terms "time zone" and

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“time period” are to be equivalent. Thus, such amendment, even though it is considered, it’s still would not overcome the prior art, because the teaching of Rupe clearly teaches the utilization of time zone in the field of electronic program guides. That would render obvious the claimed feature at the time the invention was made. Further, although the meaning of the term might be different in the specification, such distinction is not reflected by the claims. Thus, the rejections are maintained.

Specification

The amendment filed on 01/12/98 is objected to under 35 U.S.C. 132 because it introduces new matter into the disclosure. 35 U.S.C. 132 states that no amendment shall introduce new matter into the disclosure of the invention. The added material which is not supported by the original disclosure is as follows: “time period” at pages 2, 4 or 14 and lines 7, 16, and 25, respectively, changes the scope of the invention and is considered new matter.

Applicant is required to cancel the new matter in the reply to this Office action.

Claim Rejections - 35 USC § 112

The following is a quotation of the first paragraph of 35 U.S.C. 112:

The specification shall contain a written description of the invention, and of the manner and process of making and using it, in such full, clear, concise, and exact terms as to enable any person skilled in the art to which it pertains, or with which it is most nearly connected, to make and use the same and shall set forth the best mode contemplated by the inventor of carrying out his invention.

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Claims 1-9, 11-13 are rejected under 35 U.S.C. 112, first paragraph, as containing subject matter which was not described in the specification in such a way as to reasonably convey to one skilled in the relevant art that the inventor(s), at the time the application was filed, had possession of the claimed invention. The specification fails to suggest the "time period" limitations now recited in the claims. The newly recited limitation is considered new matter and Applicants are required to cancel such limitation in the claims.

Claim Rejections - 35 USC § 103

1. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

2. Claims 1-9, 11-13 are rejected under 35 U.S.C. 103(a) as being unpatentable over Roop (5790198).

Considering claims 1-3, Roop sets forth all claimed limitation of the invention, but lacks explicit recitations of displaying a plurality of program guides on a display unit in a matrix form using ordinate and abscissa as channel axis and time axis, and shows the means for displaying to discriminate a time zone based on designation by a user.

Nonetheless, Roop, in his embodiments, provides a method in which television schedule information are broadcasted in the VBI of a television broadcast, schedule programs for a user's

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broadcast area or cable system are compiled from the broadcast, and the schedule is displayed on the user's set for interactive use (col. 1, lines 17-25). He provides that the schedule program information is stored and displayed in the form of a "Grid Guide" on the TV screen... (col. 13, lines 1-5). In providing the schedule program information in the form of a "Grid Guide" on the TV screen, one of ordinary skill in the art would understand and recognize that such grid guides for the program schedule could have been in matrix form including ordinate and abscissa as axes for the channel numbers, showing starting/ending time for the schedule program guide, as well known in the field of television electronic program guides. Such grids could have provided and displayed on the screen a plurality of program guides.

Further, Roop, at col. 2, lines, 26-40, depicts that when implementing a television schedule system on a national or international basis, provision must be made for different time zones to adjust times in the schedule for the different time zones in transmitting the schedule adds. At col. 7, lines 5-10, he provides that the system includes a central data processing system for identifying the transmitting television schedule data by time relative to other transmitted television schedule data. The system includes packets with error detection information. The information embedded in a packet is termed a message which consists of one or more commands. There are various commands. Each type distinguishes by a unique code number. Commands contain the different types of information necessary to construct and maintain a tv schedule database, time markers, etc... (col. 11, lines 57-64).

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Based on the above disclosure, it is understood that Roop's system would have enabled the user to distinguish a time zone for the different information embedded on the packet, when implementing television schedule systems on an international basis.

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to have modified Roop as to provide a display of a plurality of program guides on a display unit in a matrix form using ordinate and abscissa as channel axis and time axis, and show the means for displaying to discriminate a time zone based on designation by a user, so as to allow a user to select a television program or pay-per-view program which is presently being broadcast at a time interval relative to the user particular time zone. In modified Roop as such, a user would be able to distinguish between pay-per-view programs that is present or not present for purchase at their local time zone. Colors could have been applied to distinguish programs of a different locality as provided by Custom Color Converter 126 (fig. 5) for overlay display.

As per claims 4 and 5, Roop sets forth all claimed subject matters of the invention as applied in above claims 1-3 rejections, but fails show the means for displaying a mark indicating a direction of the channel axis and direction of purchased program present in a time zone.

By the rationale sets forth in above claims 1-3 rejections and in view of Roop's embodiments, the Examiner takes official notice that such feature of displaying a mark indicating direction on a program guide is well known in the art and would have been obvious by the ordinary skill in the art at the time the invention was made because Roop allows user interaction of the program guide by means of a remote controller. Scrolling up, down, left and right on the

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grid guide upon manipulation of a remote control. Such mark might have been displayed or presented at any form or shape, such as a bar mark-up, a pointer or arrow or as a shaded form.

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to have modified Roop as such, in order to have a user friendly system. the claimed "discriminatingly displaying means... time zone.." is met by fig. 2, item 4.

Considering claims 6-7, Roop sets forth all claimed limitation of the invention, but lacks explicit recitations of setting means for allowing an arbitrary time zone to be set by a user, and discriminatingly displaying means effecting display to discriminate the time zone set y the user and other time zone.

Nonetheless, Roop, at col. 2, lines, 26-40, depicts that when implementing a television schedule system on a national or international basis, provision must be made for different time zones to adjust times in the schedule for the different time zones in transmitting the schedule adds. The information is displayed in the form of a grid guide when the customer presses a button on the remote control (col. 13, lines 1-5). Thus, such remote cold have been used as a setting means to allow the user to set an arbitrary time zone.

Further, at col. 7, lines 5-10, he provides that the system include a central data processing system for identifying the transmitting television schedule data by time relative to other transmitted television schedule data. The system includes packets with error detection information. The information embedded in a packet is termed a message which consists of one or more commands. There are various commands, each type distinguish by a unique code number.

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Commands contain the different types of information necessary to construct and maintain TV schedule database, time markers, etc... (col. 11, lines 57-64).

Based on the above disclosure, it is understood that Roop's system would have enable the user to distinguish a time zone for the different information embedded on the packet, when implementing television schedule systems on an international basis, so as to discriminate the time zone set y the user and other time zone.

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to have modified Roop as to provide a setting means for allowing an arbitrary time zone to be set by a user, and discriminatingly displaying means effecting display to discriminate the time zone set y the user and other time zone. Such modification would allow a user to select a television program or pay-per-view program which is presently being broadcast at a time interval relative to the user particular time zone. In modified Roop as such, a user would be able to distinguish between pay-per-view programs that is present or not present for purchase at their local time zone. Colors could have been applied to distinguish programs of different locality as provided by Custom Color Converter 126 (fig. 5) for overlay display.

In claims 8, and 9 the claimed "setting means allows the starting time and end time..." and the claimed "set for each day of the week by the user" would have been obvious over Roop' disclosure since Roop provides the display of program guide schedule which could be interacted with by a user by means of a remote control. Such guide could have included the start and ending time, and day of the week for a particular program.

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Claim 11 is for the apparatus of claim 1 and is similarly rejected.

Claim 12 is for the apparatus of claim 6 and is similarly rejected.

Claim 13 includes the limitations of claims 6-8, and is rejected by the same basis and rationales set forth in above claims 6-8.

Conclusion

THIS ACTION IS MADE FINAL. Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Any response to this action should be mailed to :

Box

Commissioner of Patents and Trademarks
Washington, DC 20231

or faxed to:

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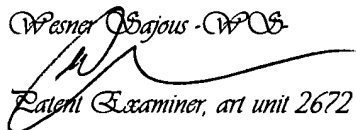
(703) 308-9051, (for formal communications; please mark "EXPEDITED PROCEDURE")

Or:

(703) 308-5399 (for informal or draft communications, please label "PROPOSED" or DRAFT")

Hand-held delivered responses should be brought to Crystal Park II, 2121 Crystal Drive, Arlington, VA , 6th floor (receptionist).

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Wesner Sajous whose telephone number is (703) 308- 5857. The examiner can also be reached on alternate Fridays. If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, supervisor, Michael Razavi, can be reached at (703) 305-4713. The fax phone number for this group is (703) 308-6606.

Wesner Sajous - WOS

Patent Examiner, art unit 2672

February 1, 2001



MATTHEW LUU
PRIMARY EXAMINER